

REMARKS

Status of the Claims

Claims 1-7 and 9 are now present in this application. Claim 1 is independent. Claims 1 and 9 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Examiner Interview

Applicants thank the Examiner and his Supervisor for the courtesies extended to Applicants' representative during the personal interview which was conducted on August 23, 2011. An Examiner Interview Summary was made of record as Paper No. 20110823. During the interview, Applicants' representative explained the present invention for the Examiner. Also, proposed changes to independent claim 1 were discussed in an attempt to overcome the prior art rejections of record. The Examiner and his Supervisor both agreed that the proposed amendments would overcome the cited prior art in the outstanding Office Action. In this Reply, claim 1 has been amended in the manner discussed during the interview, and are believed to place the application into condition for allowance. Accordingly, reconsideration and allowance of the present application are respectfully requested.

Claim Amendments

As the Examiner will note, claim 9 has been amended to more clearly clarify the present invention. Support for the amendments made to claim 9 can be found in Fig. 3 and on page 14, lines 4-12 of the Specification as originally filed. No new matter has been added.

Rejections under 35 U.S.C. § 103

Claims 1-7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagamatsu et al., U.S. Patent Application Publication No. 2004/0206199 (hereinafter

“Nagamatsu”) in view of Kodaira, U.S. Patent No. 6,427,799 (hereinafter “Kodaira”). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In particular, independent claim 1 now recites a combination of elements including, *inter alia*, the recitation of “*wherein the first housing is provided with a fitting part, and the second housing is provided with a retaining part, said retaining part having a first portion whose diameter is smaller than a diameter of a second portion thereof which secures concentricity of the first and second housing, and being configured to be fitted to the fitting part of the first housing by spigot-joint fitting; wherein an interior surface of the fitting part is radially spaced from an exterior surface of the first portion of the retaining part, said interior surface of the fitting part and said exterior surface of the first portion of the retaining part together defining an absorbing gap, wherein a fixing nut is configured to be screwed into an interior surface of the retaining part in order to apply a tightening force on said thrust bearing from one side thereof, and said absorbing gap is configured to absorb an increase in an outer diameter of the first portion of the retaining part when the fixing nut is tightened into an interior surface of the first portion of the retaining part, and wherein said absorbing gap substantially overlaps, in the axial direction, with a screwing region between said retaining part and said fixing nut screwed into said retaining part.*” Support for the amendments can be found at least in, for example, Fig. 3 and the corresponding disclosure of the Specification as originally filed. Thus, no new matter has been added. Applicants respectfully submit that the above identified features as set forth in claim 1 are not disclosed or made obvious by the references relied on by the Examiner.

Specifically, the Examiner on page 2 of the Office Action asserts that Nagamatsu teaches the absorbing gap as recited in claim 1 (the Examiner seems to refer to the seam between the preload nut 56 and the bearing hole 28 of Nagamatsu as the absorbing gap as recited in claim 1). The Examiner also in the annotated Fig. 3 of Kodaira shown on page 4 of the Office Action refers to the portion between the female threaded portion 36 and the male threaded portion 37 of

Kodaira as the absorbing gap as recited in claim 1. Applicants respectfully disagree with the Examiner's interpretation of the claimed absorbing gap recited in claim 1.

In particular, as embodied in Fig. 3 and described on page 14, lines 12 of the present Specification, the absorbing gap of the present invention is intentionally provided by radially spacing the interior surface of the fitting part from the exterior surface of the retaining part (e.g. 19 in Fig. 3) for a predetermined distance, so that the absorbing gap can be configured to absorb the increase in the diameter of the retaining part when the fixing nut is tightened into the retaining part.

On the contrary, both alleged gaps in Nagamatsu and Kodaira are merely general seams naturally existed between two surfaces that are coupled and contacted with each other, and are clearly not intentionally provided for certain purpose, and therefore, cannot be equivalent to the absorbing gap as recited in claim 1.

Applicants note that as required by MPEP § 2111, the claims must be given their broadest reasonable interpretation consistent with the specification. The Federal Circuit elaborated on this standard by requiring that the broadest reasonable interpretation must be "in light of the specification as it would be interpreted by one of ordinary skill in the art" per *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). In the present case, it is submitted that the claimed absorbing gap of the present invention cannot be simply interpreted as general seams between any two surfaces due to a broadest interpretation, since such interpretation is unreasonable and is clearly not compatible with the present specification, and thus is a misapplication of MPEP § 2111.

In fact, Applicants respectfully submit that neither Nagamatsu nor Kodaira teaches or suggests "*wherein an interior surface of the fitting part is radially spaced from an exterior surface of the first portion of the retaining part, said interior surface of the fitting part and said exterior surface of the first portion of the retaining part together defining an absorbing gap, ... said absorbing gap is configured to absorb an increase in an outer diameter of the first portion of the retaining part when the fixing nut is tightened into an interior surface of the*

first portion of the retaining part, and wherein said absorbing gap substantially overlaps, in the axial direction, with a screwing region between said retaining part and said fixing nut screwed into said retaining part” as recited in claim 1.

In addition, Applicants respectfully disagree with the Examiner’s alleged combination of Nagamatsu and Kodaira. In particular, the Examiner on page 4 of the Office Action asserts that the alleged motivation to combine is “to allow for an adhesive to be applied for which allows for a securer fit.” Applicants respectfully submit that the Examiner provides no objective evidence to support his allegation that the coupling of two housings A and B by yoke 7 and caulking groove 38 in Kodaira will be **a securer fit than** the coupling of two housings 21, 22 by fixing bolts 27 in Nagamatsu. In addition, the couplings in Nagamatsu and Kodaira are completely different (see and Fig. 2 of Nagamatsu and Fig. 2 of Kodaira), and therefore the Examiner’s asserted modification would involve fundamental redesign of Nagamatsu (for example, for the coupling in Kodaira, Kodaira teaches that the yoke 7 is integrally formed inside the housing A). However, there is **no** reason supported by objective evidence leading one skilled in the art to substitute the coupling through a yoke 7 as taught in Kodaira for the bolt-coupling of two housings in Nagamatsu.

The Examiner is respectfully reminded that the rejection must show that one of ordinary skill in the art would have had some “**apparent reason to combine the known elements in the fashion claimed.**” *KSR Int’l Co. v. Teleflex Inc.* 127 S.Ct. 1727,1741 (2007), and that a factual inquiry whether to modify a reference **must be based on objective evidence of record**, not merely conclusory statements of the Examiner. See *In re Lee*, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). In the present case, the Examiner clearly fails to provide objective evidence to fulfill the requirement of providing “apparent reason” to combine cited references. Therefore, Applicants respectfully submit that the Examiner has not established a *prima facie* basis to deny patentability of the claimed invention under 35 U.S.C. §103 for want of the requisite factual basis.

Since Nagamatsu and Kodaira, either taken alone or in combination, fail to teach each and every claimed feature as recited in claim 1, claim 1 clearly defines over the teachings of Nagamatsu and Kodaira.

In addition, claims 2-7 and 9 depend, either directly or indirectly, from independent claim 1, and are therefore allowable based on their respective dependence from independent claim 1, which is believed to be allowable, as well as due to the additional novel reasons set forth therein.

For example, claim 9 recites “***a substantial amount of said absorbing gap overlaps, in the axial direction, with the screwing region between said retaining part and said fixing nut screwed into said retaining part, and an axial length of said absorbing gap substantially equals to an axial length of said screwing region.***” Applicants respectfully submit that Nagamatsu and Kodaira, either taken alone or in combination, fail to teach or suggest the above identified features as recited in claim 9. For this additional reason, claim 9 more clearly defines over the references relied on by the Examiner.

In view of the above amendments to the claims and remarks, Applicants respectfully submit that claims 1-7 and 9 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Paul C. Lewis, Registration No. 43368, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: **September 9, 2011**

Respectfully submitted,

By 

Paul C. Lewis
Registration No.: 43368
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000